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LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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April 7, 2021

The Honorable Lorena Gonzalez, Chair
Assembly Committee on Appropriations
1020 N Street, Room 2114
Sacramento, CA 95814

Dear Assembly Member Gonzalez:

OPPOSE UNLESS AMENDED - ASSEMBLY BILL 1276 (CARRILLO AND LORENA GONZALEZ) AS AMENDED APRIL 5, 2021 – SINGLE-USE FOOD ACCESSORIES AND SERVICE WARE

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 1276 (AB 1276), as amended on April 5, 2021, **unless amended** to include the recommendations in this letter.

If enacted, the proposed legislation would revise and expand the prohibition on food service facilities from distributing single-use plastic straws except upon request to include third-party food delivery platforms and any single-use food accessories.

Beginning January 1, 2023, full-service restaurants are required to provide reusable food service ware and prohibits them from providing single-use food service ware to a consumer dining on the premises if the restaurant has dishwashing capacity to sanitize reusable service ware, and authorizes a full-service restaurant to provide single-use food service ware to consumers dining on the premises under the following conditions:

1. The restaurant has limited dishwashing capacity;
2. The single-use food service ware is necessary to accommodate a consumer with a disability;
3. The single-use food service ware is provided to a consumer upon request to carry out leftover ready-to-eat food after dining onsite;
4. A public health state of emergency has been declared; or,
5. If the single-use food service ware is a disposable paper food wrapper, foil wrapper, paper napkin, or paper tray or plate liner that is of a type and form accepted by local municipal recycling and composting programs.

The bill states that the requirement to provide single-use food accessories only upon request does not prevent a local government from adopting or implementing an ordinance or rule that would further restrict a food facility, platform, or full-service restaurant from providing single-use food accessories to a consumer.

AB 1276 specifies that on or before June 1, 2022, local governments are required to authorize an enforcement agency to enforce the bill's requirements. The bill establishes that the first and second violations of this chapter result in a notice of violation, and any subsequent violations constitute infractions punishable by a fine of \$100 for each day of violation, not to exceed \$1,000 annually. AB 1276 exempts correctional institutions, health care facilities, and residential care facilities from the mandates of the bill.

The Task Force agrees the bill would reduce single-use plastic waste but opposes the bill unless it is **amended to include** language requiring the State to be responsible for enforcement or provide funding to local governments for local enforcement of the prohibition and requirements. Local governments often do not have the additional capacity for unfunded state mandates, implementation of the requirements would be inadequately supported, prescribing failure of implementation of the law. The state ought to adequately fund requirements it imposes on local governments.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

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Based on the foregoing, the Task Force **opposes** AB 1276 **unless amended** to include the recommendations in this letter. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor City of Rosemead

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cc: Assembly Member Carrillo
Assembly Member Friedman
Assembly Member Lorena Gonzalez
Assembly Member Muratsuchi
Assembly Member Ting
Senator Allen
Senator Wiener
Each Member and staff of the Assembly Committee on Appropriations
California State Association of Counties
League of California Cities – Los Angeles County Division
Each Member of the Los Angeles County Board of Supervisors
Fesia A. Davenport, Los Angeles County Chief Executive Officer
Gateway Cities Council of Governments
San Gabriel Valley Council of Government
South Bay Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in the County of Los Angeles
Each Member of the Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force